

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,)	U.S.C.A. No. 24-7229
)	
Plaintiff-Appellee,)	
v.)	U.S.D.C. No. 3:21cr1590-JLS
)	
JOSE ANGEL SERRANO,)	
)	UNOPPOSED MOTION TO
Defendant-Appellant,)	EXTEND THE DUE DATE OF
)	THE APPELLANT’S OPENING
)	BRIEF BY TWENTY DAYS

Jose Angel Serrano, the Defendant-Appellant, by and through his counsel, John Lanahan, files the following motion, pursuant to Federal Rule of Appellate Procedure 27 and Ninth Circuit Rule 31-2.2(b), to extend the due date of the appellant's opening brief by twenty days, to May 29, 2025.

The Defendant-Appellant seeks this motion to extend the due date of the opening brief for the reasons set forth in the attached declaration of counsel.

Respectfully submitted,

Date: May 2, 2025

s/ John Lanahan
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FOR THE NINTH CIRCUIT

Defendant-Appellant.

) U.S.C.A. No. 24-7229
) U.S.D.C. No. 3:21cr1590-JLS
)
) **DECLARATION OF COUNSEL**
) **IN SUPPORT OF APPELLANT’S**
) **UNOPPOSED MOTION TO**
) **EXTEND THE DUE DATE OF**
) **APPELLANT’S OPENING**
) **BRIEF BY TWENTY DAYS**
)

5. These issues are (1) the application of the “plain view” exception to the warrant requirement, (2) whether my client’s wife could consent to the search of my

client's locked toolbox, and (3) whether the warrantless search of the locked toolbox was a private search while law enforcement was with my client's wife at his home investigating him for a crime.

5. The although the record in this case is short, the facts are complex and need time to present them in order to give the necessary context of the warrantless search of the toolbox.

6. The case law on this is complex and somewhat murky where these issues overlap, and requires research not only in this Circuit but the cases of other circuits upon which the district court relied in denying the motion to suppress the evidence found in the toolbox that provided the probable cause for the issuance of the search warrant of my client's home.

7. Opposing counsel, AUSA Daniel Zipp of the Office of the United States Attorney for the Southern District of California, has no opposition to this motion.

8. The appellant is in custody and is currently serving a sentence of one hundred twenty months in prison with release date of October 27, 2029.

9. For these reasons, I request an additional twenty days in which to file the Appellant's Opening Brief.

DATED: May 2, 2025

s/ John Lanahan
JOHN LANAHAN
Declarant